

The Senate, accordingly, at 3:40 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

Reports of Committee on Engrossed Bills

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 451 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 449 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

SIXTY-THIRD DAY

(Friday, May 5, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Head
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalfe
Hardin	Moore

Nelson	Stone
Pace	of Washington
Roberts	Sulak
Shivers	Van Zandt
Small	Weinert
Spears	Winfield
Stone	
of Galveston	

Absent—Excused

Hill	Redditt
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Senator Redditt was granted leave of absence for today, on account of important business, on motion of Senator Beck.

Report of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 410 by Harris, A bill to be entitled "An Act to amend Article 4553, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12, of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12, of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies on said Board; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute as amended hereto attached do pass in lieu of the original bill and be not printed.

WEINERT, Chairman.

Senate Bill on First Reading

Senator Sulak moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Hill	Redditt
Moffett	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Sulak:

S. B. No. 453, A bill to be entitled "An Act to provide for acquiring and acceptance of title from San Felipe Park Association and Corporation of San Felipe de Austin to about six hundred fifty (650) acres of land situated in Austin County, Texas, and being a part of the original Five League Grant from the Republic of Mexico to the town of San Felipe de Austin; providing for management and control, beautifying and improving said land, the same to be designated by name as "Stephen F. Austin State Park"; and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

Appointments Announced

Pursuant to H. C. R. No. 113, heretofore adopted by the House and Senate, the President announced the appointment of Senators Brownlee and Collie as the committee on the part of the Senate to investigate the matter of securing the construction of a new State building.

Concerence Committees on House Bills 256 and 257

The President announced the appointment of the following conferees on the part of the Senate on House Bills Nos. 256 and 257.

On H. B. No. 256—Senators Roberts, Burns, Lemens, Moffett and Winfield.

On H. B. No. 257—Senators Roberts, Brownlee, Kelley, Spears and Small.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 438, A bill to be entitled "An Act validating, confirming, approving and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities or towns at an election, or elections, held during the year 1938. Providing this Act shall only apply to cities and towns acting under a home rule charter and which city or town did not at the time of the holding of said election, or elections, own any public utility and the assessed value of whose property for the purpose of taxation as shown by the tax rolls of such city or town for the year 1938 was not less than \$6,780,000 nor more than \$6,850,000, and provided this Act shall not apply to any such bond the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition; pro-

viding that such petition need not be verified; providing for a simplified form of citation; and declaring an emergency." (With amendments.)

S. B. No. 432, A bill to be entitled "An Act amending Section 7 of Chapter 60, Acts of the Second Called Session of the Forty-fifth Legislature, [relating to allocation of school aid] and declaring an emergency."

S. B. No. 299, A bill to be entitled "An Act approving the Quintana State Park offered by the citizens of Brazoria County, and declaring an emergency."

S. B. No. 442, A bill to be entitled "An Act creating County-wide Equalization School Districts, for tax purposes, in all counties having a population of not less than twenty-seven hundred seventy-five (2,775) and not more than twenty-eight hundred fifty (2,850), according to the last preceding Federal Census, and containing a valuation of Seven Million (\$7,000,000) Dollars or more; providing for the vesting of the general management, supervision and control of the public schools in the Boards of Trustees of the school districts within such counties; providing for certain additional power to the County Boards of School Trustees within such counties: providing for the levying of an equalization tax of not to exceed forty cents (40c) on the One Hundred (\$100.00) Dollar valuation of property situated within such counties; providing for the levying of the said tax by the Commissioners' Court of such counties; providing for the holding of an election in such counties on the question of levying such equalization tax; providing for the assessment and collection of such tax by the County Tax Assessor and Collector; providing for the distribution of such tax fund by the County Board of School Trustees, with the approval of the County Superintendent of such counties; describing the duties and compensation of the tax collector; providing for a depository for the funds of such equalization districts, by designating the County Depository as the depository of such equalization districts; describing the duties of the County Board of School Trustees, of such counties, with respect to such tax and funds derived therefrom; provided that this Act shall not affect such duties now imposed upon Trustees of said counties, except as herein

provided; providing certain exceptions for school districts, within such counties having more than one hundred (100) scholastics; providing certain exceptions for school districts, within such counties, having less than one hundred (100) scholastics; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 439, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the Public Free Schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the Public Free Schools; and further provided that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the Public Free Schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such Public Free Schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was not less than \$6,780,000 nor more than \$6,850,000, and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

S. B. No. 317, A bill to be entitled "An Act authorizing the Commissioners' Courts in counties having a population of not less than 12,190 inhabitants and not more than 12,195 in-

habitants, according to the last preceding Federal Census, to levy a direct tax of not more than Ten (10c) Cents on the One Hundred (\$100.00) Dollars assessed valuation for health purposes, for the purpose of building, equipping and maintaining a hospital; providing that such money so collected be spent only for the benefit of the residents of such counties; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act providing that all counties within this State having a population in excess of fifty-three thousand five hundred inhabitants and less than fifty-seven thousand inhabitants may upon an order made by its Commissioners' Court for this purpose provide and maintain a County Law Library; and that such Library may upon an order made by said Commissioners' Court be maintained and supported by a trial fee to be assessed and collected in all cases filed in the County and District Courts of said Counties, said fee not to exceed the sum of one dollar for each case filed and granting to said Commissioners' Court the power and authority to establish and maintain said Law Library as a County Library at the county seat of said counties; and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act providing that all independent school districts in this State, whether created by general or special law or laws, having a tax rate of less than One Dollar (\$1.00) upon each One Hundred Dollar (\$100.00) taxable valuation of property, subject to taxation in such district, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both general and special, and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective date of this Act, upon roads not a part of the system of State highways, funds appropriated by the Congress of the United States and allocated by the Secretary of Agriculture

of the United States to the State Highway Department for expenditure on such roads; to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of such conflict, but said laws are not otherwise repealed; and declaring an emergency."

I am directed by the House to inform the Senate that Mr. Mays has been appointed to succeed Mr. Wood as a conferee on S. B. No. 75.

I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 70, A bill to be entitled "An Act to amend Article 2007 of the Revised Statutes relating to plea of privilege by adding thereto a provision that such plea shall not be construed to embrace any of the matters set forth in Article 2010, Revised Statutes, unless specifically alleged in such plea; repealing conflicting law, except that this amendment shall apply in subsequently filed suits only; and declaring an emergency." (With amendments.)

The House refused to concur in Senate amendments to H. B. No. 194, and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on part of the House: Dean, Kinard, Morris, Dickison, Kersey.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

New Conference Committee on House Bill 194

Senator Spears moved to reconsider the vote by which the conference report on H. B. No. 194 heretofore was adopted by the Senate.

Senator Weinert raised a point of order against consideration of the motion on the ground that the bill has been duly passed, signed and presented to the Governor, and any further action on the bill, or consideration of it by the Senate would be in violation of Section 14 of Article IV of the State Constitution.

The President overruled the point of order.

Question recurring on the motion to reconsider, yeas and nays were demanded:

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Brownlee	Moore
Burns	Nelson
Collie	Roberts
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Nays—3

Beck	Weinert
Shivers	

Absent

Pace

Absent—Excused

Hill	Redditt
Moffett	

Question—Shall the report of the conference committee be adopted?

The Senate then refused to adopt the report.

Record of Vote

Senator Moore asked to be recorded as voting "yea" on the adoption of the report.

Senator Spears moved that a new conference committee on the part of the Senate be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed by the following vote:

Yeas—22

Aikin	Metcalf
Brownlee	Nelson
Burns	Roberts
Collie	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Nays—4

Beck	Shivers
Moore	Weinert

Absent

Cotten

Pace

Absent—Excused

Hill

Redditt

Moffett

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Spears, Pace, Kelley, Hardin, and Martin.

Point of Order Withdrawn

Senator Spears withdrew the point of order raised by him on yesterday with reference to adjustment of the differences between the two Houses on H. B. No. 132.

Senate Concurrent Resolution 45

Senator Winfield, by unanimous consent, offered at this time the following resolution:

Whereas, The Big Bend Park Bill has passed the House and the Senate, and

Whereas, It is contemplated to raise the money by public subscription for the purchase of the land embraced in this area, and

Whereas, There is now on exhibition in the rotunda of the Capitol a relief map of the area, and

Whereas, The people of Texas and the visitors to the State while visiting the Capitol have the opportunity of viewing this map in its present location, now, therefore, be it

Resolved by the Senate, the House concurring, That this map remain on display throughout the summer during which time an extensive campaign will be made in Texas to raise money for the purchase of the land embraced in the area of the proposed Big Bend National Park.

The resolution was read; and on motion of Senator Winfield and by unanimous consent, it was considered immediately.

The resolution was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 124, Granting Judge O. L. Parish leave of absence from the State.

H. C. R. No. 126, Authorizing change in enrolled copy of H. B. No. 954.

H. C. R. No. 130, Granting Judge C. D. Russell leave of absence from the State.

H. C. R. No. 121, Granting Ragland Clinic Hospital permission to sue the State of Texas.

H. C. R. No. 122, Granting O. L. Neyland permission to sue the State of Texas.

H. C. R. No. 125, Directing the Enrolling Clerk of the House to amend the caption of H. B. No. 544 by inserting a saving clause therein.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Report of Conference Committee
On Senate Bill 135**

Senator Moore submitted at this time the following report of the Conference Committee on S. B. No. 135.

Austin, Texas,

May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

and

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 135, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

Respectfully submitted,

MOORE,
NELSON,
ROBERTS,
LEMENS,
SHIVERS,

On the part of the Senate.

HEFLIN,
THORNTON,
TAYLOR,
BROWN
of Cherokee,
BOND,

On the part of the House.

By Moore.

S. B. No. 135.

A BILL

TO BE ENTITLED

An Act applying and relating to and embracing all insurance companies and associations, whether incorporated or not, issuing policies or certificates of insurance on the lives of persons or providing health and accident benefits upon the so-called mutual assessment plan or whose funds are derived from assessments upon policyholders or members, applying and including all life, health and accident companies or associations which do not come within the provisions of Chapter 3, Chapter 5, Chapter 7, Chapter 8, Chapter 9, Chapter 18, Chapter 19 or Chapter 20, Title 78 of the Revised Civil Statutes of Texas, and include local mutual aid associations; state-wide life; or life, health and accident associations; mutual assessment life, health and accident associations; burial associations; and similar concerns, by whatsoever name or class designated, whether specifically named herein or not; defining terms and words used in the Act and giving authority to the Board of Insurance Commissioners of the State of Texas with reference to the names of associations formed under said Act and full power with reference to the issuance of certificates and the regulation of such companies, or associations, whether incorporated or not; authorizing the Board of Insurance Commissioners of the State of Texas to remove officers, employees and others under certain circumstances; requiring bonds of officers and employees and requiring deposits with the State Treasurer, through the Board of Insurance Commissioners, of cash or convertible securities as provided in said Act; etc.; making it unlawful to assume liability on any life insurance risk on any one life in an amount in excess of Five Thousand (\$5,000.00) Dollars; providing for assessments as will meet the reasonable operat-

ing expense of the association and providing for the payment in full of the claims arising under certificates issued, and providing for the filing with the Board of Insurance Commissioners rate schedules; providing for the dividing of funds, one shall be the mortuary or relief fund and the expense or general fund, and the placing of at least sixty per cent (60%) of assessments collected in the mortuary or relief fund and for the investment of the mortuary or relief funds; requiring the keeping of by-laws, and specifically designating certain provisions to be inserted therein; providing for separate records to be kept for the mortuary or relief funds of each group, club or class, and the mortuary or relief funds of one group, club or class, and prohibiting the use of the funds of one group, club or class to be used to pay the claims or obligations of any other group, club or class; requiring the payment of claims in full within a certain period; providing for a notice of claims and granting to the Board of Insurance Commissioners of the State of Texas full authority to cancel certificates under certain conditions; making exceptions with reference to the payment of claims in full under certain conditions; providing for the creation of new groups, clubs and classes, and the payment of benefits; providing for payment on certificates already in force and making provisions with reference to amending the by-laws of the association; providing for the appointment of a conservator under certain conditions and management by the Board of Insurance Commissioners of the State of Texas through a conservator, authorized to be appointed under this Act; and providing for reinsurance and providing for liquidation and for reports to the Attorney General with reference to the forfeiture or cancellation of the charter of associations reinsured or liquidated; repealing Section 29, Chapter 274, Acts of the Forty-first Legislature, 1929, page 563, in so far as same is in conflict with the provisions of this Act relative to burial associations, and repealing parts of Section 6, Chapter 245, Acts of the Forty-third Legislature as amended by Chapter 257, Acts of the

Forty-fifth Legislature, exempting from its provisions any corporation, association or partnership, individual or joint stock company engaged in the undertaking business or to any advertising corporation, association and/or membership, individual, or joint stock company, with whom they have contracts; defining "burial associations," and making provisions for the regulation thereof; authorizing organizations thereof under Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto; providing for their operation under Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto, and this Act, making it unlawful for any individuals, firms, co-partnerships, corporations or associations other than those defined in this Act, to engage in the business of providing burial or funeral benefits, which in any event may be paid wholly or partly in merchandise or services; and providing for certain provisions in the policies and/or certificates issued by burial associations and for the payment by said associations in cash or by merchandise and burial service; authorizing the promulgation of rules and regulations by the Board of Insurance Commissioners of the State of Texas; providing that nothing in the Act shall be construed to include or affect mutual fire insurance companies; affixing certain penalties for violations of the Act; giving until January 1, 1940, to comply with this Act, and providing for full payment of claims and the reduction of the benefits of outstanding certificates under certain circumstances; repealing all laws in conflict with the provisions of this Act; containing a provision that any part of this Act be held unconstitutional the remaining part shall nevertheless remain in full force and effect; providing that the fees collected under this Act paid to the Board of Insurance Commissioners shall be used by the Life Insurance Commissioner toward the enforcement of and carrying out the purposes of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Scope of Act. This Act

shall apply to and embrace all insurance companies and associations, whether incorporated or not, which issue policies or certificates of insurance on the lives of persons, or provide health and accident benefits, upon the so-called mutual assessment plan, or whose funds are derived from the assessments upon its policyholders or members, and shall, in fact, apply to all life, health and accident companies or associations which do not come within the provisions of Chapter 3, Chapter 5, Chapter 7, Chapter 8, Chapter 9, Chapter 18, Chapter 19, or Chapter 20, Title 78 of the Revised Civil Statutes of Texas. This Act shall include local mutual aid associations; statewide life; or life, health and accident associations; mutual assessment life, health and accident associations; burial associations; and similar concerns, by whatsoever name or class designated, whether specifically named herein or not.

This Act does not enlarge the powers or rights of any of such associations nor enlarge the scope of their legal or corporate existence; nor authorize the creation of any association or corporation to do any of the sorts of business above indicated, where such creation is not now specifically permitted by law. The laws prohibiting or limiting such creation and the exercise of corporate power are not affected by this Act.

Section 2. Definitions. The following terms when used in this Act shall be defined:

"Association" shall refer to and include all types of organizations, corporations, firms, associations, or groups subject to the provisions of this Act.

"Board" shall refer to the Board of Insurance Commissioners of the State of Texas.

"Member" shall include policyholders or any persons insured by an association, by whatsoever means the insurance may be effective.

"Certificate" shall include any insurance policy or contract of insurance, certificate of membership or other document through which insurance is effected or evidenced.

"Face of certificate" shall refer to the maximum amount of promised benefits, as shown on the certificate.

"Paid in full" or "full payment" shall mean the payment of the full amount of maximum benefit due on the happening of the contingency insured against.

"Insolvent" shall refer to and in-

clude any condition or situation which is so designated herein and which is violative of the provisions of this law.

"Assessment" shall include premiums and mean any and all money or valuable thing paid in consideration of such insurance as is afforded by the certificate.

"Membership fee" shall be the amount of the first assessment or assessments permitted by the Board to be placed in the expense fund of associations, representing cost of soliciting or procuring the member.

Section 3. Names of Associations. Upon application for charter to do business in Texas the Board of Insurance Commissioners may determine whether the name of the association would be confusing and misleading to the public; if so, it may refuse the certificate or charter, and prohibit the doing of business under the name.

Any amendment to the charter of an association operating under this Act, changing the name of the association, must be submitted to the Board of Insurance Commissioners for approval; and the charter of any association operating under this Act may not be amended to provide for changing its name to a name that is determined by the Board of Insurance Commissioners to be confusing and misleading to the public.

Section 4. Officers of Associations. The Board of Insurance Commissioners shall not issue to any association a certificate of authority to do business in Texas, when it shall find any officer, employee, or member of the board of directors to be unworthy of the trust or confidence of the public. After a certificate has been granted, the board shall order the removal of any officer, employee, or director found unworthy of the trust, and if such officer, employee, or director be not removed, the board shall cancel the certificate and proceed to deal with the association as though it were insolvent.

Section 5. Bonds of Officers and Employees. Associations not already required by law to furnish a bond for the officer responsible for the handling of funds of the members, shall furnish a bond in some surety licensed by the Board to do business in Texas in the minimum amount of One Thousand (\$1,000.00) Dollars, said bond to be kept at all times at least equal to the mortuary or relief fund balance on hand, with a maximum of Twenty Thousand (\$20,-

000.00) Dollars. Said bond shall be made payable to the Board of Insurance Commissioners for the use and benefit of the members of the association, and shall obligate the principal and surety to pay such pecuniary loss as the association shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or wilful misapplication on the part of such officer, either directly and alone, or in connivance with others.

In addition to the bond required in the preceding paragraph, and in addition to the bond already required by law of certain associations subject to this Act, each association shall procure for all other office employees, or other persons who may have access to any of its claim funds, separate bonds or blanket bonds with some surety licensed by the Board to do business in Texas, in an amount or amounts fixed by the Board with a minimum of One Thousand (\$1,000.00) Dollars and a maximum of Five Thousand (\$5,000.00) Dollars, payable to the Board of Insurance Commissioners for the use and benefit of the association obligating the principal and surety to pay such pecuniary loss as the association shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or willful misapplication on the part of such persons, either directly and alone, or in connivance with others. Successive recoveries on any of the bonds provided for in this section may be had on such bonds until same are exhausted.

Sec. 6. Deposits. Each association, not already required by existing laws to do so, shall place with the State Treasurer through the Board of Insurance Commissioners a deposit equal to the largest risk assumed on any one life or person, which may be in cash or convertible securities subject to approval by the Board. Such deposit shall be liable for the payment of all judgments against the association, and subject to garnishment after final judgments against the association. When such deposit becomes impounded or depleted it shall at once be replenished by the association, and if not replenished immediately on demand by the Board, the association may be regarded as insolvent and dealt with as hereinafter provided.

When any association shall desire to state in advertisements, letters, literature or otherwise, that it has

made a deposit with the Board as required by law, it must also state in full the purpose of the deposit, the conditions under which it is made, and the exact amount and character thereof.

Sec. 7. Membership. Each association shall keep a complete and correct roster of its members with proper statistical records for the purpose of determining proper cost of insurance, by ages or otherwise, and shall keep accurate records of groups, classes or clubs or other division of memberships, if any; and shall keep records to show amounts paid in on assessments by each member and each group; and as to groups, must show how the funds are distributed between expenses and mortuary or relief funds, and showing the amounts paid out of the funds of the whole membership or each group in death claims or other benefits.

The associations subject to this law are hereby expressly prohibited from merging with another association, are prohibited from "transferring" any part or group of membership, or all the membership to another association, or from merging groups or transferring members from one group to another in an association without the consent in advance of the Board of Insurance Commissioners which may be given only after complete investigation into the facts and determination that such transfer or merger is to the advantage of members of the association or groups to be affected.

Sec. 8. Books and Records. All the records and books of each association shall be kept in the shape, form and manner acceptable to the Board, and if such records and books of any association are kept in such manner as not to reflect truly and accurately the condition of the association, or the facts essential to its faithful and effective operation, the association shall at once adopt forms or systems acceptable to the Board which will serve the purpose most effectively.

Sec. 9. Policies or Certificates. Every policy or certificate of insurance issued by an association shall state definitely on the front page the amount of death benefit to be paid, and the circumstances or conditions under which it shall be paid shall be plainly stated in the policy. Every health, accident or other benefit shall be plainly stated in the policy, and the terms and conditions under which

they shall be paid shall be stated plainly in the policy.

An application for each certificate must be signed by the applicant, unless the applicant is a minor, in which event the application may be signed by a parent or guardian; and a copy thereof must be attached to and made part of such certificate. If the certificate is to provide that misstatement as to the health or physical condition of the applicant may void the policy within the contestable period, the application shall so state in not less than ten point type in language acceptable to the Board. All statements in the application shall in the absence of fraud be regarded as representations and not warranties.

All conditions of the certificate must be stated thereon, including such portions of the by-laws of the association as may affect the insurance rights of the parties in any material way; and amendments to the by-laws which might affect such rights of members must forthwith be mailed by first-class mail to each certificate holder affected. In case of controversy the burden of proof shall be on the company to prove the amendment was mailed to the member. Each certificate must provide that it shall be incontestable, after having been in force during the lifetime of the insured for a period of two years from date of issue, except for non-payment of assessments; provided, however, any association may issue a certificate providing a benefit less than the maximum benefit named in the face of the certificate in case of the death of the member by his own hand while sane or insane. It shall also provide that in case the age of the insured is misstated, the amount of insurance shall be that which the premium actually paid would purchase at the correct age, based on rates in force at the time of the death of the insured. No certificate issued by such association, nor any application for the certificate shall contain language or be in such form as to mislead the applicant or the policyholder as to the type of insurance afforded.

It shall be unlawful for any association to assume liability on a life insurance risk on any one life in an amount in excess of Five Thousand (\$5,000.00) Dollars.

Every certificate issued must be approved by the Board as to form

and language before it is used by an association. It is not mandatory that these forms be uniform for all associations, but the Board is directed to bring about as great uniformity as is feasible as early as practicable by cooperation with the several associations. All certificate forms hereafter used must be in accord with the provisions of this Act and with all other laws regulating such associations as are embraced in this Act.

It will not be required that an association call and reissue outstanding certificates if upon proper application to the Board and if special permission is granted by the Board, it shall by appropriate resolution or other action declare that claims and other obligations on outstanding certificates will be settled and met as though the requirements of this Act were contained in such certificates; and provided further that the association acts accordingly.

Sec. 10. Renewals of Certificates. In case a certificate shall terminate for any reason, and in case it shall be a rule of the association that all reinstated certificates shall be regarded as new certificates, then the application for reinstatement shall carry the statement in at least ten point type that the same rules apply to it as to the original certificate, and that it can be invalidated within the contestable period for false statements respecting the health or physical condition of the applicant, or other matters material to the risk. A true and correct copy of the application for reinstatement shall be mailed by first-class mail to the certificate holder upon the reinstatement of the certificate. In case of controversy the burden of proof shall be on the association to prove the copy of reinstatement application was mailed to the member. In the event a renewal certificate is issued, such renewal certificate shall have a copy of the application for reinstatement attached and made a part thereof.

It is especially provided, however, that in case an association shall renew or reinstate a certificate after termination, the payments by the reinstated member shall be divided between the funds in the same percentage as is required of regular payments in the particular by-laws, unless nine months have elapsed between termination and reinstatement. If nine months have elapsed between termination and reinstatement, a reinstatement fee not in excess of the

membership fee may be charged and placed in the expense fund. Furthermore, in case of renewal or reinstatement, the renewal or reinstatement certificate shall not be contestable for any cause except non-payment of assessments for longer than six months from date thereof, unless the reinstatement or renewal is within the original two-year contestable period, in which case the same may be extended for six months from the date on which it would have originally expired.

Section 11. Assessments. Each association shall levy regular and periodical assessments by whatever name they may be called. These assessments must be in such amounts and at such proper intervals as will meet the reasonable operating expenses of the association, and pay in full the claims arising under its certificates. When or if in the course of operation it shall be apparent that the claims cannot be met in full from current assessments and funds on hand, the amount must be increased until they are adequate to meet such claims, and the Board shall so order.

When any association shall refuse to comply with the Board's recommendations or requirements respecting rates of assessments, it shall be treated as insolvent, and shall be dealt with as is hereinafter provided.

Each association operating under the provisions of this Act shall file its rate schedules with the Board of Insurance Commissioners.

Section 12. Funds. Assessments when collected shall be divided into at least two funds. One of these shall be the mortuary or relief fund, by whatever name it may be called in the different associations, from which claims under certificates shall be paid, and to a limited extent the cost of defending contested claims, and nothing else; and the other funds shall be the expense funds from which expenses may be paid. At least sixty (60%) per cent of assessments collected, except the membership fee, must be placed in the mortuary or relief fund. The mortuary or relief funds may be invested only in such securities as are a legal investment for the reserve funds of stock life insurance companies.

Such association shall provide in its by-laws for the portion of its assessments to be allotted to the mortuary or relief fund and may provide for the payment out of said mortuary or relief fund of attorneys' fees

and necessary expenses arising out of the defense, settlement, or payment of contested claims. Any such payments out of the mortuary or relief fund for other than claims shall be subject to approval of the Board of Insurance Commissioners.

A separate record shall be kept of the mortuary or relief funds of each group, club, or class, and the mortuary or relief funds of one group, club, or class shall not be used to pay the claims or obligations of any other group, club, or class.

Section 13. Payment of Claims. It is the primary purpose of this Act to secure to the members of the associations and their beneficiaries the full and prompt payment of all claims according to the maximum benefit provided in their certificates. It is therefore required of all associations that all claims under certificates be paid in full within sixty (60) days after receipt of due proof of claims.

Written notice of claim given to the association shall be deemed due proof in the event the association fails upon receipt of notice to furnish the claimant, within fifteen (15) days, such forms as are usually furnished by it for filing claims.

Any association which shall become unable to pay its valid claims in full within sixty (60) days after due proofs are received, shall for the purpose of this Act be regarded as insolvent, and dealt with as is more fully provided hereinafter.

Section 14. Contests. It shall not be unlawful for an association to contest claims for valid reasons; but claims may not be contested for delay only or for captious or inconsequential reasons, or to force settlement at less than full payment. Therefore, if liability is to be denied on any claim, the association is hereby required to notify the claimant within sixty (60) days after due proofs are received that the claim will not be paid, and failing to do so, it will be presumed as a matter of law that liability has been accepted.

The Board shall cancel the certificate of authority of any association found to be operating fraudulently or improperly contesting its claims.

Reports regarding the cost of contests must be made under oath of an officer of the association, with the annual report of all associations to the Board.

Section 15. Assessment-as-needed Groups. The provisions of this Act requiring the full payment of claims

shall not apply to any group, club, or class previously organized and now operating on the post-mortem or assessment-as-needed plan and any association having such a group, club, or class may continue to operate it on said plan so long as any such group, club, or class has a sufficient membership at the assessment rate charged to produce, and so long as it does produce, for the mortuary or relief fund at least fifty (50%) per cent of the maximum value of the largest policy in said group, club, or class. In the event the membership of any group, club or class is only sufficient in number to pay between fifty (50%) per cent and one hundred (100%) per cent of the maximum value, it shall be the duty of the officers of said association to have printed on each assessment notice the percentage of the maximum value of the certificate actually paid on the last death claim in said group, club, or class. Provided further, that no association and no group, club, or class in any association shall hereafter be organized to operate on the post-mortem or assessment-as-needed plan.

If on any assessment the amount realized is not sufficient to pay fifty (50%) per cent of the face of the certificate, the association shall be deemed insolvent and dealt with as hereinafter provided.

Section 16. Creation of New Groups. In the creation of a new group, class, or club, an association may have six (6) months from the date of its creation within which to build said group, club, or class up to the required membership to pay claims in full, provided in the interim the certificates provide for no more than a Five Hundred (\$500.00) Dollar benefit, unless the association has funds out of which it may lawfully make and actually does make the full payment of benefits in the interim. Creation of any new group shall be subject to advance approval by the Board of Insurance Commissioners.

Sec. 17. Payments on Certificates Already in Force. If the payments of the members of any association coming within the scope of this Act, on certificates issued and in force when this Act takes effect, reinsurance or renewals of such certificates, shall prove insufficient to pay matured death and disability claims in the maximum amount stated in such policies or certificates, and to provide for the creation and maintenance of the funds required by its laws, such asso-

ciation may with the approval of the Board of Insurance Commissioners and after proper hearing before said Board provide for meeting such deficiency by additional, increased, or extra rates of payment, or by reduction in the maximum benefits stated in such policies or certificates then in force, or by both such increased payments' payments and reduced maximum benefits, or the members may be given the option of agreeing to reduced maximum benefits, or of making increased payments.

Sec. 18. Amending By-Laws. By-laws of any association may be amended by a majority of the members of the association present when ratified by the Board of Directors, but only at meetings called for that purpose, or at regular meetings. Amendments to the By-laws shall not be effective until approved by the Board of Insurance Commissioners. Notices of all meetings, whether regular or special, at which amendments to by-laws will be considered, must be mailed to all members. Such notices must contain full copies of the proposed changes in the by-laws and fair explanations of the intent and effect thereof.

Sec. 19. Conservator. If, upon an examination or at any other time, it appears to the Board of Insurance Commissioners that such association be insolvent, or its condition be, in the opinion of the Board, such as to render the continuance of its business hazardous to the public, or to holders of its certificates, or if such association appears to have exceeded its powers or failed to comply with the law, then the Board shall notify the association of its determination and said association shall have thirty (30) days under the supervision of the Board within which to comply with the requirements of the Board; and in the event of its failure to so comply within such time, the Board, acting for itself, or through a conservator appointed by the Life Insurance Commissioner for that purpose, shall immediately take charge of such association, and all of the property and effects thereof. If the Board is satisfied that such association can best serve its policyholders and the public through its continued operation by the conservator under the direction of said Board, pending the election of new directors and officers by the membership in such manner as the Board may determine, the same shall be done. If the Board,

however, is satisfied that such association is not in condition to satisfactorily continue business in the interest of its policyholders under the conservator as above provided, the Board shall proceed to reinsure the outstanding liabilities in some solvent association or company, authorized to transact business in this State, or the Board shall proceed through such conservator, to liquidate such association, or the Board may give notice to the Attorney General as provided under the general laws relating to insurance corporations. It shall be in the discretion of the Board to determine whether or not it will operate the association through a conservator, as provided above, or proceed to liquidate the association, as herein provided, or report it to the Attorney General. When the liabilities of an association are reinsured or liquidated, as herein provided, the Board shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the association so reinsured or liquidated. Where the Board lends its approval to the merger, transfer or consolidation of the membership of one association with that of another, the same shall be reported to the Attorney General, who shall proceed to effect the forfeiture or cancellation of the charter of the association from which the membership was merged, transferred or consolidated, in the same manner as is provided for the charters of associations reinsured or liquidated. No merger or transfer shall be approved unless the association assuming the members transferred or merged is operating under the supervision of the Board of Insurance Commissioners. The cost incident to the conservator's services shall be fixed and determined by the Board and shall be a charge against the assets and funds of the association to be allowed and paid as the Board may determine.

Sec. 20. Special Disability Provision. If any of the provisions of this Act may appear obscure when applied to health, accident or disability provisions in certificates issued by associations authorized to issue health, accident or disability certificates, then the Board is directed to interpret same in accord with the expressed purpose and spirit of the Act looking to the full payment of claims, and at the same time preserving to members the benefit of the

protection afforded by such association.

Sec. 21. That Section 29, Chapter 274, Acts of the Forty-first Legislature, 1929, (p. 563), be and the same is hereby repealed, insofar as same is in conflict with the provisions hereof relative to burial associations.

Sec. 22. That part of Section 6, Chapter 245, Acts of the Forty-third Legislature, as amended by Chapter 257, Acts of the Forty-fifth Legislature, exempting from its provisions any corporation, association or partnership, individual or joint stock company engaged in the undertaking business, or to any advertising corporation, association and/or partnership, individual, or joint stock company with whom they have contracts, be and the same is hereby repealed.

Sec. 23. Burial Association. Any individual, individuals, firms, co-partnerships, corporations or associations doing the business of providing burial or funeral benefits, which under any circumstances may be payable partly or wholly in merchandise or services, not in excess of One Hundred and Fifty (\$150.00) Dollars, or the value thereof, are hereby declared to be burial companies, associations or societies, and shall organize under provisions of Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto; and shall operate under and be governed by Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto, and this Act. It shall be unlawful for any individual, individuals, firms, co-partnerships, corporations, or associations, other than those defined above, to engage in the business of providing burial or funeral benefits, which under any circumstances may be paid wholly or partly in merchandise or services.

Sec. 24. Policies or certificates issued by burial associations shall provide for payment of the benefit in certain stipulated merchandise and burial service, which shall be scheduled in the policy or certificate and approved by the Board of Insurance Commissioners as being of the reasonable value as stated in the face of the policy, unless the insured shall at the time said policy is issued elect to have same paid in cash. The policy shall show in writing the election made. If the association issuing said policy shall fail or refuse to furnish the merchandise and services provided for in the policy, same shall be paid in cash.

Sec. 25. Rules and Regulations. The Board is hereby authorized to promulgate reasonable rules and regulations to carry out the purposes of this Act.

Section 26. Nothing in this Act shall ever be construed to include or affect in any manner mutual fire insurance companies.

Section 27. Penalty; Unlawful Conversion. If any Director, officer, agent, employee, attorney at law or attorney in fact, of any association under this Act, shall fraudulently take, misapply or convert to his own use any money, property or other thing of value belonging to such association, that may have come into his custody, control, possession or management by virtue of his office, directorship, agency, or employment, or in any other manner, or shall secrete the same with intent to take, misapply or convert the same to his own use, or shall pay or deliver the same to any person knowing that he is not entitled to receive it, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

Section 28. Penalty; Diversion of Special Funds. If any Director, officer, agent, employee, attorney at law, or attorney in fact of any association under this Act, shall willfully borrow, withhold or in any manner divert from its purpose, any special fund or any part thereof, belonging to or under the control and management of any association under this Act, which has been set apart by law or by any valid rule or regulation of the Board of Insurance Commissioners of the State of Texas for a specific use, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

Section 29. Penalty; False Reports. The Board of Insurance Commissioners shall have the power and authority to compel written reports from such association as to the condition of such association whenever deemed advisable by the Board. The Board may require that such report be verified by the oath of a responsible officer of the association. If any officer, director, agent, employee, attorney at law or attorney in fact, of any association under this Act, shall willfully make any false affidavit in connection with the requirements of this Act, he shall be punished by a fine of not to exceed \$(500.00) Dollars, or by imprisonment in the county jail not to exceed two (2) years, or by confine-

ment in the penitentiary not to exceed two (2) years.

Section 30. Penalty; Violation of Board Order. If any director, officer, agent, employee, or attorney at law or attorney in fact of any association under this Act, shall willfully refuse or fail to comply with any lawful order of the Board of Insurance Commissioners of this State he shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

Section 31. Penalty; Violation of Other Provisions of Act. If any director, officer, agent, employee or attorney at law or attorney in fact of any association under this Act, or any other person, shall violate any of the provisions of this Act not specifically set out in Sections 26, 27, 28, and 29 of this Act, he shall be punished by fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

Section 32. Effective Date. Upon proper showing to the Board of inability of associations to comply with this Act immediately, associations shall have until January 1, 1940, to bring themselves to full compliance with this law in all particulars. By such date, in the event they shall not have done so, they shall be regarded as insolvent as provided herein, and dealt with accordingly. It is specially provided that if associations cannot so arrange their affairs as to make full payment of claims as herein required by such date, they may reduce the benefits of the outstanding certificates by appropriate action having the approval of the Board, so as to make possible full payment of claims. All members must be given prompt notice of such amendment of such certificates.

Section 33. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Section 34. Constitutionality. The provisions of this Act are severable, and in the event the courts declare any part of it unconstitutional, the other provisions of the Act shall nevertheless remain in full force.

Section 35. All fees paid to the Board of Insurance Commissioners by all associations regulated by this Act shall be and the same are here and now appropriated for the balance of

the fiscal year ending August 31st, 1939, to the use and benefit of the Life Insurance Division of the Board of Insurance Commissioners, to be used by the Life Insurance Commissioner for the purpose of enforcing and carrying out the provisions of this Act and other laws relating to the regulation and supervision of such associations; provided, however, that thereafter such fees shall be expended under such limitations as the Legislature may designate in the general departmental appropriation bill; such fees to be deposited in the State Treasury as a special fund to be used as and for the purposes aforesaid and are here and now appropriated for such purposes and all laws or parts of laws to the contrary are here and now expressly repealed to the extent of such conflict only.

Section 36. Emergency Clause. The fact that the present laws governing life, health and accident assessment insurance, as well as burial benefits, do not adequately protect the members from loss through unwholesome, unsound or fraudulent practice, and the Board of Insurance Commissioners is not empowered to safeguard the public interest, and the immediate necessity for remedying the situation, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

Senator Metcalfe moved that consideration of the report be postponed until next Monday, at 11:00 o'clock a. m.

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

Yeas—5

Brownlee	Metcalfe
Collie	Sulak
Lanning	

Nays—19

Aikin	Isbell
Beck	Martin
Burns	Moore
Cotten	Nelson
Graves	Roberts
Hardin	Shivers
Head	Small

Spears	Van Zandt
Stone	Weinert
of Galveston	Winfield

Present—Not Voting

Lemens

Absent

Kelley
Pace

Stone
of Washington

Absent—Excused

Hill
Moffett

Redditt

Question recurring on the report, it was adopted by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moore
Burns	Nelson
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield

Nays—1

Brownlee

Absent

Pace

Stone
of Washington

Absent—Excused

Hill
Moffett

Redditt

House Bill 255 on Second Reading

Senator Roberts moved that the regular order of business be suspended to permit consideration of H. B. No. 255 at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lemens
Beck	Martin
Brownlee	Metcalfe
Burns	Moore
Collie	Nelson
Graves	Roberts
Hardin	Shivers
Head	Small
Isbell	Stone
Kelley	of Galveston
Lanning	

Stone
of Washington
Sulak

Van Zandt
Weinert
Winfield

Nays—1

Spears

Absent

Cotten

Pace

Absent—Excused

Hill
Moffett

Redditt

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings and improvements of the several State Institutions of Higher Learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause, and declaring an emergency."

The bill was read second time.

Senator Roberts offered an amendment to the bill, striking out all after the enacting clause and inserting in lieu thereof the same text and matter as that contained in S. B. No. 409, after its enacting clause.

On motion of Senator Roberts and by unanimous consent, a full reading of the amendment was dispensed with, and it was ordered not printed in the Journal.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill (as amended):

Amend H. B. No. 255 as substituted, by adding a new item immediately following item 176 on line 39, page 53, to be properly numbered and to read as follows:

For Year Ending
August 31, 1940

"Agricultural Building and
equipment \$250,000.00

And change the totals to conform to this amendment.

Question—Shall the amendment be adopted?

House Concurrent Resolutions Referred

The following resolutions, received from the House today, were laid before the Senate, read severally and referred to the committees indicated:

H. C. R. No. 121, to Committee on State Affairs.

H. C. R. No. 122, to Committee on State Affairs.

House Concurrent Resolution 125

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 125, Authorizing correction to be made in H. B. No. 444.

The resolution was read; and on motion of Senator Nelson and by unanimous consent, it was considered immediately.

The resolution was adopted.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 422, "An Act providing that all counties within this State having a population in excess of fifty-three thousand five hundred inhabitants and less than fifty-seven thousand inhabitants may upon an order made by its Commissioners' Court for this purpose provide and maintain a County Law Library; and that such Library may upon an order made by said Commissioners' Court be maintained and supported by a trial fee to be assessed and collected in all cases filed in the County and District Courts of said Counties, said fee not to exceed the sum of one dollar for each case filed and granting to said Commissioners' Court the power and authority to establish and maintain said Law Library as a County Library at the county seat of said counties; and declaring an emergency."

S. B. No. 432, "An Act amending Section 7 of Chapter 60, Acts of the Second Called Session of the Forty-fifth Legislature, [relating to allocation of school aid] and declaring an emergency."

S. B. No. 203, "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective date of this Act, upon roads not a part of the system of State highways, funds appropriated by the Congress of the United States and allocated by the Secretary of Agriculture of the United States to the State Highway Department for expenditure on such roads; to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of such conflict, but said laws are not otherwise repealed; and declaring an emergency."

S. B. No. 317, "An Act authorizing the commissioners courts in counties having a population of not less than 12,190 inhabitants and not more than 12,195 inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Ten (10c) Cents on the One Hundred (\$100.00) Dollars assessed valuation for health purposes, for the purpose of building, equipping and maintaining a hospital; providing that such money so collected be spent only for the benefit of the residents of such counties, and declaring an emergency."

S. B. No. 299, "An Act approving the Quintana State Park offered by the citizens of Brazoria County, and declaring an emergency."

S. B. No. 442, "An Act creating County-wide Equalization School Districts, for tax purposes, in all counties having a population of not less than twenty-seven hundred seventy-five (2,775) and not more than twenty-eight hundred fifty (2,850), according to the last preceding Federal Census, and containing a valuation of Seven Million (\$7,000,000.00) Dollars or more; providing for the vesting of the general management, supervision and control of the public schools in the Boards of Trustees of the school districts within such counties; providing for certain additional power to the County Boards of School Trustees within such counties; providing for the levying of an equalization tax

of not to exceed forty cents (40c) on the One Hundred (\$100.00) Dollar valuation of property situated within such counties; providing for the levying of the said tax by the Commissioners' Court of such counties; providing for the holding of an election in such counties on the question of levying such equalization tax; providing for the assessment and collection of such tax by the County Tax Assessor and Collector; providing for the distribution of such tax fund by the County Board of School Trustees, with the approval of the County Superintendent of such counties; describing the duties and compensation of the tax collector; providing for a depository for the funds of such equalization districts, by designating the County Depository as the depository of such equalization districts; describing the duties of the The County Board of School Trustees, of such counties, with respect to such tax and funds derived therefrom; provided that this Act shall not affect such duties now imposed upon Trustees of said counties, except as herein provided; providing certain exceptions for school districts, within such counties, having more than one hundred (100) scholastics; providing certain exceptions for school districts, within such counties, having less than one hundred (100) scholastics; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 398, "An Act providing that all independent school districts in this State whether created by general or special law or laws, having a tax rate of less than One Dollar (\$1.00) upon each One Hundred Dollar (\$100.00) taxable valuation of property, subject to taxation in such district, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both general and special, and declaring an emergency."

S. B. No. 438, "An Act validating, confirming, approving and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities or towns at an election, or elections, held during the

year 1938. Providing this Act shall only apply to cities and towns acting under a home rule charter and which city or town did not at the time of the holding of said election, or elections, own any public utility and the assessed value of whose property for the purpose of taxation as shown by the tax rolls of such city or town for the year 1938 was not less than \$6,780,000 nor more than \$6,850,000, and provided this Act shall not apply to any such bond the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

S. B. No. 439, "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the Public Free Schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the Public Free Schools; and further provided that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the public Free Schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such Public Free Schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was not less than \$6,780,000 nor more than \$6,850,000, and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in

any pending suit or litigation, and declaring an emergency."

H. B. No. 161, "An Act giving the Commissioners' Courts authority to fix the salary of the County Treasurer, amending Section 13, Article 3912-E, Revised Civil Statutes of Texas 1925, reducing the minimum compensation which the County Treasurer is authorized to receive, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 518, "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency."

H. C. R. No. 106, Memorializing the Congress of the United States to enact a certain law requiring that all American produced cotton be sold on the net weight basis.

H. C. R. No. 112, Authorizing a loan of certain highway equipment.

Senate Bill 206 with House Amendments

Senator Kelley called up S. B. No. 206 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Kelley moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed Senators Kelley, Martin, Winfield, Lanning and Stone of Galveston as conferees on the bill on the part of the Senate.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 906, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Thirty-five Dollars (\$35) per month for traveling expenses; providing for the source of payment of such expenses; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; enacting provisions incident to and relating to the subject; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Pub-

lic Lands and Land Office, to whom was referred

S. B. No. 453, A bill to be entitled "An Act to provide for acquiring and acceptance of titles from San Felipe Park Association and Corporation of San Felipe de Austin to about six hundred fifty (650) acres of land situated in Austin County, Texas, and being a part of the original Five League Grant from the Republic of Mexico to the town of San Felipe de Austin; providing for management and control, beautifying and improving said land, the same to be designated by name of 'Stephen F. Austin State Park'; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

COLLIE, Chairman.

Night Session to Consider Local Bills

Senator Hardin moved that a session of the Senate be held next Monday, May 8, at 7:30 o'clock p. m. to consider local and non-contested bills.

The motion prevailed.

Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 12:00 o'clock m., today, to consider nominations of the Governor.

Executive Session

The President, at 12:00 o'clock m., announced that the hour fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session, and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nomi-

nations by the Governor, to whom was referred the following nomination:

To be a Member of the State Board of Health (term beginning June 15, 1939):

Dr. W. B. Veazey of Huntsville, Walker County (replacing Dr. Wm. M. Dickens of Greenville),

Have had same under consideration, and do recommend that he be in all things confirmed.

SHIVERS, Chairman.

The President called the Senate to order as in legislative session at 12:10 o'clock p. m.

Recess

Senator Shivers moved that the Senate recess to 2:00 o'clock p. m., today.

The motion prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Senate Concurrent Resolution 43

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to permit consideration of S. C. R. No. 43 at this time.

The President laid before the Senate the following resolution:

S. C. R. No. 43, Authorizing Carl Anderton to sue the State.

The resolution was read and was adopted.

House Bill 934 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 934 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 934, A bill to be entitled "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of 1925, and for the consolidation of such a cor-

poration with similar corporations organized under the laws of the United States or any State or Territory for similar purposes; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation; and providing that nothing hereunder may modify or repeal the laws of this State relating to monopolies or trusts; and providing for the payment of supplemental franchise tax in the event said consolidation shall increase the capital stock over that of the consolidated corporations, and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 934 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 934 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Nelson	Sulak
Pace	Van Zandt
Roberts	Weinert
Shivers	Winfield

Nays—1

Metcalf

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

House Bill 910 on Second Reading

On motion of Senator Stone of Washington and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 910 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 910, A bill to be entitled "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten, (27,410), according to the last Federal Census, or any subsequent Federal Census; and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100), nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State, not in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

Senate Bill 910 on Third Reading

Senator Stone of Washington moved that the constitutional rule re-

quiring bills to be read on three several days be suspended and that H. B. No. 910 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

Senate Bill 452 on Second Reading

On motion of Senator Stone of Galveston and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 452 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 452, A bill to be entitled "An Act providing for the payment of the salaries of County Superintendents in certain counties; and providing for the payment of office expenses and traveling expenses of County Superintendents in certain counties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 452 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 452 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 453 on Second Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 453 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

On motion of Senator Sulak, the caption was amended to conform to the body of the bill.

The bill was passed to engrossment.

Senate Bill 453 on Third Reading

The President then laid S. B. No. 453 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Head
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Nelson

Pace	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

Absent

Moore

Absent—Excused

Hill

Redditt

Moffett

Senate Bill 380 on Second Reading

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 380 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 380, A bill to be entitled "An Act providing that, with the approval of the Board of Insurance Commissioners, and upon terms and conditions prescribed by said Board, any local Mutual Aid Association, as defined by law, or any State-wide Mutual Assessment Life Insurance Company, or Accident Insurance Company, or Health Insurance Company, or Life and Accident, or Health and Accident, or Life, Health and Accident Insurance Company, incorporated under the laws of this State and the license to transact business and transacting business under the provisions of Chapter 245, Acts of the Regular Session of the Forty-third Legislature, being H. B. No. 303, enacted at the Regular Session of said Legislature, as amended, may by vote of its members, convert itself into an incorporated stock company; etc., and declaring an emergency."

The bill was read second time.

Senator Cotten offered the following amendments to the bill:

(1)

Amend S. B. No. 380 by inserting in paragraph "e" of Section 3, after the figures "\$25,000", in Line 19, on page 2 of the printed bill, and, also after the same figures "\$25,000", in paragraph 7, Line 19 of Page 3 of the printed bill the following: "Provided

that a local Mutual Aid Association having less than 2,500 members and less than \$1,500,000 insurance in force, and which has no liability under any single policy in excess of \$1,000, may be incorporated and transact business with a paid-in capital of not less than \$10,000.00 deposited with the State and subject to increase by the Board of Insurance Commissioners in proportion to increased insurance in force as provided in this Act."

(2)

Amend S. B. No. 380 by striking out in Section 8 all after the word "provided", in Line 57 of Page 3 of the printed bill and insert in lieu thereof: "No corporation formed under the provisions of this Act shall issue any new policy or certificate upon a limited payment plan, or guarantee or promise to pay any cash surrender or loan values for any type of endowment or annuity benefits, but shall confine its operation to the issuance of certificates looking to continuous payment premiums or assessments during the lifetime of the policyholders; and provided further that no such corporation shall issue any certificate or policy until a copy of such certificate or policy has been filed with the Board of Insurance Commissioners and approved by it as being in compliance with law."

The amendments were adopted severally.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 380 by adding between the words "Legislature, may" in line 41, page 1, the following: "as amended by Senate Bill 135, passed at the Regular Session of the Forty-sixth Legislature," and amend the caption to conform to all amendments.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 380 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

H. B. No. 957 on Final Passage

By unanimous consent, Senator Head moved to reconsider the vote by which H. B. No. 957 was passed previously by the Senate.

The motion to reconsider prevailed.

The President then laid before the Senate on its final passage:

H. B. No. 957, A bill to be entitled "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

Senator Head offered the following amendment to the bill:

Amend H. B. No. 957 by striking

out all of Sections 1 and 2 and substituting therefor new Sections 1 and 2 to read as follows:

"Section 1. That from and after the effective date of this Act, it shall be unlawful for any person in this State to use any gig or seine, or to take fish by the use of any gig or seine, or by grappling such fish with the hand, or by taking fish in any manner other than by the use of ordinary hook and line from any of the fresh waters in Bosque County; provided, however, that it shall be unlawful to take fish from any of the waters herein named by the use of seines or set nets of any kind or character; and provided, further, that it shall not be unlawful to take from any of the fresh waters of Bosque County by the use of ordinary hook and line any channel or Opelousas catfish or any perch at any time, providing said taking is done by the use only of ordinary hook and line.

"Section 2. It being the purpose of this Act to prevent the taking of fish in the above-named County and/or in the fresh waters of such County by the use of seining, gigging, or grappling said fish with the hands at all times, and to permit the taking of perch and channel or Opelousas catfish with the ordinary hook and line at any time."

And amend the caption to conform.

The amendment was adopted unanimously.

The bill as amended was passed.

House Bill 991 on Second Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 991 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Head
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Nelson

Pace	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

On motion of Senator Pace, and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 991 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 991, A bill to be entitled "An Act making it unlawful to shoot, take, trap, snare or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays during such period, affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 991 on Third Reading

The President then laid H. B. No. 991 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Moore

Absent—Excused

Hill	Redditt
Moffett	

Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 991, A bill to be entitled "An Act making it unlawful to shoot, take, trap, snare, or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays, during such period; affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 121 by Davis of Upshur, Granting permission to Ragland Clinic Hospital to file suit against the State of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by Committee Amendment Number One hereto attached and be not printed.

WEINERT, Chairman.

House Bill 255 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 255, the educational appropriation bill, on its passage to third reading with amendment by Senator Nelson pending.

Senator Roberts moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Aikin	Metcalf
Beck	Pace
Brownlee	Roberts
Cotten	Van Zandt
Martin	Weinert

Nays—13

Collie	Nelson
Graves	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Winfield

Present—Not Voting

Stone
of Washington

Absent

Burns	Moore
Hardin	Shivers

Absent—Excused

Hill	Redditt
Moffett	

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 8, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—9

Brownlee	Roberts
Burns	Stone
Cotten	of Washington
Isbell	Van Zandt
Pace	Weinert

Nays—16

Aikin	Head
Beck	Kelley
Collie	Lanning
Graves	Lemens

Martin	Stone
Metcalf	of Galveston
Nelson	Sulak
Small	Winfield
Spears	

Absent

Hardin	Shivers
Moore	

Absent—Excused

Hill	Redditt
Moffett	

Question recurring on the amendment by Senator Nelson, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—14

Collie	Nelson
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Winfield
Lemens	

Nays—11

Aikin	Metcalf
Beck	Pace
Brownlee	Roberts
Burns	Van Zandt
Cotten	Weinert
Martin	

Present—Not Voting

Stone
of Washington

Absent

Moore	Shivers
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Absent—Excused

Hill	Redditt
Moffett	

Senator Brownlee offered the following amendment to the bill:

Amend H. B. No. 255, as substituted, by adding thereto a section to read as follows:

Sec. 2 (a). Be it further provided that, since liberty is the most precious heritage enjoyed by the people of this nation or any other nation in the world, a heritage which has been denied to such a large percentage of the peoples of this earth, and it is indeed comforting to know

that such splendid and patriotic organizations as the American Legion, The Spanish-American War Veterans, The Daughters of the American Revolution, the United Daughters of the Confederacy, and the various women's auxiliary organizations, and every patriotic American citizen, are all ever on guard against vicious, subversive, alien influences which would sow their seeds of destruction on American soil; and because of the fact that the oceans which protect us on the east and on the west cannot protect us from dangers from within, it would seem that even in this enlightened year of our Lord nineteen hundred and thirty-nine, eternal vigilance must as ever be the price we must pay for the maintenance of our heritage of liberty; therefore, in order that the American people may be fully protected from all sources of alien and un-American propaganda, to the end that the American way of life shall be preserved; and that war shall never again take the sons of American mothers over seas to alien soil and into a holocaust brewed of the hates of nations; and to this end, in order that the youth of America may be protected against unscrupulous or unwise and un-American doctrines and principles, it is hereby further provided that any member of any faculty of any State-supported institution who shall advocate, subscribe to or believe in Communism, or any form of the totalitarian state doctrine, that is, that the individual citizen exists for the benefit and glory of the state, which is the opposite and the antithesis of the American ideal and theory that all governments should exist for the benefit and glory of the citizens thereof, shall be discharged from such faculty when found guilty of advocating or encouraging such theories of government by the governing board of such institution.

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. 255 by adding item 162 on Page 47 as follows:
Classroom building, equipment, utility connections \$215,000.00

LANNING,
VAN ZANDT.

The amendment was adopted.

Senator Weinert offered the following amendment to the bill:

Amend H. B. No. 255 Committee Substitute by adding a new item "84" on page 62 as follows:

Student Union Bldg., equipment, utilities \$200,000

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend substitute for H. B. No. 255 page 60, by adding a new number to be known as 39-a:

Science Building \$200,000

The amendment was adopted.

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 255, on page 18 by adding a new item, as follows:

"18. For the Years Ending
August 31, August 31
1940 1941

For wood products laboratory and research work \$17,500.00 \$17,500.00

In connection with the appropriation for wood products laboratory and research work the Board of Directors of the Agricultural and Mechanical College of Texas are authorized to enter into agreements with institutions of other states for joint laboratory work where economical and more efficient results can be obtained by said agreements."

REDDITT,
PACE.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend Substitute H. B. 255, page 43, line 61, by adding the following:

For Year Ending
August 31, 1940
Auditorium Building \$125,000.00

And change the totals to conform to this amendment.

The amendment was adopted.

Senator Stone of Galveston offered the following amendment to the bill:

Amend H. B. No. 255, as substituted, by adding an additional item, to be properly numbered, immediately after Item 112, line 62, page 41 of the printed substitute, to read as follows:

"Clinic for Cancer Research, Salaries, operating expenses, and equipment for clinic for research in cancer and related diseases.....
.....\$12,000.00 \$12,000.00."

The amendment was adopted.

Senator Small offered the following amendments to the bill:

(1)

Amend H. B. No. 255, page 67, line 78, by changing the item "\$10,000" from column 2 to column 1, so that the appropriation will be available in 1940.

(2)

Amend H. B. 255 by inserting a new line between lines 61 and 62 to read as follows:

"For erecting, furnishing and equipping a Science Building, \$215,000.00."

The amendments were adopted severally.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 255 by adding a new section reading as follows:

For the purpose of establishing a first class Senior College in San Antonio, Texas\$2,500,000.00

The amendment was adopted.

Senator Kelley offered the following amendment to the bill:

Amend H. B. 255 substitute by adding Article 90 on page 49 as follows: Auditorium and Library Building,

Equipment, etc.\$200,000 and change the totals to conform to this amendment.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend Substitute H. B. 255, page 65, line 63 by adding line 63a to read as follows:

For Year Ending
August 31, 1940

"Seal Coat on Campus
Driveway\$2,000.00"

And change the totals to conform to this amendment.

The amendment was adopted.

Senator Isbell offered the following amendment to the bill:

Amend H. B. No. 255 as amended by adding after item 110, line 11 on page 56 the following:

"Women's Gymnasium ...\$25,000.00"

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend Substitute H. B. No. 255, Page 65, Lines 58 and 59 by inserting:

For Year Ending
August 31, 1940

"Roof Repair on Girls'

Dormitory \$2,000.00

And change the totals to conform to this amendment.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend Substitute H. B. No. 255, Page 65, Line 53 by adding Line 63b to read as follows:

For Year Ending
August 31, 1940

"Animal husbandry barn with facilities for cattle, sheep, goats, horses, two laboratories, two offices, scales and feeding pens, lecture rooms, exhibit quarters, dipping vat .. \$25,000.00

And change the totals to conform to this amendment.

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend Substitute to H. B. No. 255 by adding after Line 10, Page 37, a new section to be known as Sec. 634 (a) to read as follows:

634. (a). For additions to various libraries ... \$200,000.00 \$200,000.00

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 255 as amended, page 58, by adding a new item No. 113 as follows:

Classroom building, equipment, utility connections \$235,000.00

The amendment was adopted.

Senator Beck offered the following amendment to the bill:

Amend substitute for H. B. No.

255 by adding a new section to be as follows:

There is hereby appropriated to the Texarkana Junior College the sum of \$56,000 each year for a Science Building.

Senator Aikin offered the following substitute for the amendment:

Amend H. B. No. 255 as amended by adding at proper place the following:

"There is hereby appropriated out of any moneys in the General Revenue Fund not otherwise appropriated, to the Public Junior Colleges of Texas hereinafter named, the sum of Four Hundred Eighty-one Thousand Eight Hundred (\$481,800.00) Dollars for the period beginning September 1, 1939, and ending August 31, 1941. Said sum to supplement the local funds for the support, maintenance, operation and improvement of the Public Junior Colleges of Texas. The sum of fifty (\$50.00) dollars for the session of nine months for each full time student is appropriated for the following Public Junior Colleges:

Blinn at Brenham.....	75	\$ 3,750
Hillsboro	260	13,000
Amarillo	320	16,000
Clarendon	102	5,700
Hardin at Wichita Falls	327	16,350
Paris	382	19,100
Texarkana	144	7,200
Corpus Christi	110	5,500
San Antonio	227	11,350
Kilgore	512	25,600
Ranger	83	4,150
Edinburg	231	11,550
Gainesville	154	7,700
Houston	452	22,600
Temple	115	5,750
Victoria	115	5,750
Lee at Goose Creek....	210	10,500
Lamar at Beaumont ...	443	22,150
Brownsville	175	8,750
Tyler	187	9,350
San Angelo	194	9,700

"The term 'full time student' as herein shall mean the equivalent of a student doing fifteen credit hours of college work in each of the two semesters of the long session.

"Junior Colleges receiving this appropriation shall be approved and accredited with number one (No. 1) ranking by the State Department of Education and the Association of Texas Colleges.

Providing further that the Junior Colleges receiving their portion of this appropriation shall have complied with all rules and regulations governing the establishment and maintenance now provided in all existing laws applying to the establishment and maintenance of Junior Colleges."

Senator Burns raised a point of order against consideration of the substitute, on ground that there is no general law now in force authorizing State aid to junior colleges and no appropriation made for such purpose without a pre-existing law to authorize it would be valid.

The President overruled the point of order.

The substitute was adopted.

The amendment as substituted was adopted.

Senator Winfield offered the following amendment to the bill:

Amend Substitute H. B. 255, Page 15, by adding after Item 40, Line 35, the following:

	For Year Ending August 31, 1940	For Year Ending August 31, 1941
Veterinarian, with house	\$2,110.00	\$2,110.00
Feeder and other labor for Feeding investigation	1,800.00	1,800.00

And change the totals to conform to this amendment.

The amendment was adopted.

Senator Head offered the following amendment to the bill:

Amend H. B. 255 substituted page 21, line 5, by striking out the figures \$29,000 and substituting in lieu thereof the figures \$129,000.

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend H. B. 255 by inserting between lines 20 and 21 on page 25 the following:

"For science building and equipment

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 255 as substituted by adding a new Section to be captioned "Austin College."

"There is hereby appropriated out of the General Revenue of the State of Texas not otherwise appropriated the sum of \$1,400,000.00 each year to be used for the improvement and extension of Austin College of Sherman, Texas, as and when the State of Texas receives full title to all properties and equipment to the Austin College located in Sherman, Texas."

The amendment was adopted.

Senator Kelley offered the following amendment to the bill:

Amend H. B. No. 255 substitute by adding a new item to be known as Article 91 on page 49 as follows:

Equipment and furnishings for Science Building\$25,000

The amendment was adopted.

Senator Nelson offered the following amendments to the bill:

(1)

Amend H. B. 255, by adding a new item following Item 176 in line 39, page 53, to be properly numbered and to read as follows:

For Year Ending
August 31, 1941

Completion of Museum on Campus of Texas Technological College
to be expended only after a like amount has been subscribed
from private funds to match said appropriation.....\$60,000.00

And change the totals to conform to this amendment.

(2)

Amend H. B. 255, page 53, by adding a new division immediately following the words "summer school" in line 33, to read as follows:

EXTRAMURAL DIVISION

Research:

	For the Years Ending	
	August 31, 1940	August 31, 1941
Maintenance		
1. Pasturage Improvement and Brush & Tree Eradication	\$ 250.00	\$ 250.00
2. Improvement of quality of Farm Produced Cream	500.00	500.00
3. Animal Husbandry Feeding Projects with sheep, cattle, hogs, and goats, to deter- mine most efficient utilization of cotton by-products	900.00	900.00
4. Research in small grains, especially malt- ing barley	500.00	500.00
5. Investigation of the production of sugar beets and sugar beet seeds	500.00	500.00
6. Soil fertility investigations	240.00	240.00
7. Investigations of industrial uses for Texas small grains	800.00	800.00
8. Investigations of uses of agricultural waste or by-products	595.00	215.00
9. Removal of Fluorine from West Texas water. (This is health problem involv- ing tooth stain)	725.00	75.00
10. Investigation of availability and utiliza- tion of salt, potash and other mineral deposits of the West Texas area	340.00	450.00
11. Development of low cost construction ma- terials (clay, caliche, adobe, etc.)	450.00	450.00
12. Highway Safety Research	1,500.00	1,500.00

		For the Years Ending	
		August 31, 1940	August 31, 1941
13.	Investigation of control of static and dust in cotton gins to reduce fire and explosion hazards	2,365.00	2,365.00
14.	A study of the magnetic susceptibility of well drill cores in relation to oil prospecting	400.00	400.00
15.	Investigation of the strength and uniformity of cotton yarns used in spinning by means of X-rays	520.00	520.00
16.	Rural Health Research.....	520.00	520.00
Total Research Maintenance.....		\$ 11,105.00	\$ 10,185.00
Salaries (12 months unless otherwise specified)			
17.	Research fellowships (thirteen (13)) appointments at an average salary of \$460.00	5,980.00	6,480.00
18.	Director Extramural and Museum Research	3,600.00	3,600.00
19.	Research Assistant	1,800.00	1,800.00
Total salaries—Research		\$ 11,380.00	\$ 11,880.00
Museum:			
Maintenance:			
20.	Maintenance, supplies and publications... \$	2,000.00	\$ 2,000.00
Total Museum Maintenance		\$ 2,000.00	\$ 2,000.00
Salaries (12 months unless otherwise specified)			
21.	Secretary and Preparator..... \$	1,200.00	\$ 1,200.00
Total Museum Salaries.....		\$ 1,200.00	\$ 1,200.00
Grand Total, Extramural Division.....		\$ 25,685.00	\$ 25,265.00

And renumber the succeeding divisions accordingly; and change the totals to conform to this amendment.

(3)

Amend H. B. No. 255 as substituted, page 53, line 173, by striking out the figures \$1,200, for each year, and substituting therefor the following: "\$14,473.00"

The amendments were adopted severally.

Senator Head offered the following amendment to the bill:

Amend Substitute for House Bill No. 255 by striking out the following: Page 18 beginning at line 49, page 19, page 20, and page 21 down to and including line 7, and substituting the following:

JOHN TARLETON AGRICULTURAL COLLEGE

Salaries (9 months unless otherwise noted)

		For the Years Ending	
		August 31, 1940	August 31, 1941
Agriculture			
1.	Director, (with house, telephone, lights, water and fuel) (12 months)	\$ 3,000.00	\$ 3,000.00

	For the Years Ending	
	August 31, 1940	August 31, 1941
2. Head of agronomy, (9 months).....	2,400.00	2,400.00
3. Head of animal husbandry, agricultural engineering and farm mechanics, woodwork, dairying and farm management (12 months)	3,000.00	3,000.00
4. Head of veterinary science (12 months)..	2,700.00	2,700.00
5. Professor and head of poultry husbandry and horticulture (with house and utilities) (12 months)	2,700.00	2,700.00
6. Assistant professor of woodwork and manual training	1,800.00	1,800.00
7. Associate professor of auto mechanics and blacksmithing (9 months).....	2,400.00	2,400.00
8. Assistant professor of agricultural engineering and farm mechanics.....	1,800.00	1,800.00
9. Assistant professor of horticulture.....	2,000.00	2,000.00
10. Professor of vocational agriculture, part salary (12 months)	1,500.00	1,500.00
11. Secretary, librarian, and assistant teacher (12 months)	1,200.00	1,200.00
12. Farm foreman (with house, water, lights, and wood) (12 months).....	1,200.00	1,200.00
13. Dairy foreman (with house, water, lights, wood) (12 months)	900.00	900.00
14. Caretaker of livestock and herdsman (with house, lights, water, and wood) (12 months)	600.00	600.00
15. Assistant herdsman (with house, water, lights, and wood) (12 months).....	480.00	480.00
16. Assistant caretaker of livestock and herdsman (with room, lights, water, and wood) (12 months)	480.00	480.00
17. Poultrymen (12 months)	600.00	600.00
Biology		
18. Professor and head of department.....	3,000.00	3,000.00
19a. Associate professor	2,000.00	2,000.00
19b. Associate professor	2,000.00	2,000.00
19c. Associate professor	2,000.00	2,000.00
Business Administration		
Transferred to Sociology, Economics, and Journalism, page 20, following line 51.		
Chemistry		
24. Professor and head of department.....	3,000.00	3,000.00
25a. Associate professor	2,000.00	2,000.00
25b. Associate professor	2,000.00	2,000.00
25c. Associate professor	1,800.00	1,800.00
Education		
26. Professor and head of department.....	3,000.00	3,000.00
27a. Associate professor	1,800.00	1,800.00
27b. Associate professor	1,800.00	1,800.00
English		
28. Professor and head of department.....	3,000.00	3,000.00
29a. Associate professor	2,000.00	2,000.00
29b. Associate professor	2,000.00	2,000.00
29c. Associate professor	2,000.00	2,000.00
29d. Associate professor	2,000.00	2,000.00

	For the Years Ending	
	August 31, 1940	August 31, 1941
29e. Associate professor	2,000.00	2,000.00
29f. Associate professor	2,000.00	2,000.00
Transferred from page 20, line 45, Modern Languages		
Associate professor (was line 45, page 20)	2,000.00	2,000.00
Engineering and Physics		
30. Professor and head of department.....	3,000.00	3,000.00
31. Associate professor	2,000.00	2,000.00
32. Assistant professor	1,800.00	1,800.00
Fine Arts		
33. Professor and head of department.....	3,000.00	3,000.00
34. Professor of voice and director of ensemble singing	2,400.00	2,400.00
35. Professor of music and director of military band	2,000.00	2,000.00
36. Professor of violin and director of orchestra	2,000.00	2,000.00
37. Assistant professor of piano and public school music	1,800.00	1,800.00
History and Government		
Transferred to Sociology, Economics, and Journalism, page 20, following line 51.		
Home Economics		
40. Professor and head of department.....	2,700.00	2,700.00
41a. Associate professor	2,000.00	2,000.00
41b. Associate professor	1,800.00	1,800.00
41c. Associate professor	1,800.00	1,800.00
Mathematics		
42. Professor and head of department.....	3,000.00	3,000.00
43a. Associate professor	2,000.00	2,000.00
43b. Associate professor	2,000.00	2,000.00
43c. Associate professor	1,800.00	1,800.00
Modern Languages		
44. Professor and head of department.....	3,000.00	3,000.00
45. Transferred to English, page 19, following line 29f.		
Physical Education		
46. Director and head of department.....	3,000.00	3,000.00
47. Associate professor (for men).....	2,000.00	2,000.00
48. Associate professor (for women).....	1,800.00	1,800.00
Department of Speech		
49. Professor and head of department.....	2,000.00	2,000.00
Sociology, Economics, History, Government, Journalism, and Business Administration		
50. Professor, head of department, and associate dean (12 months).....	4,000.00	4,000.00
51. Associate professor (12 months).....	2,400.00	2,400.00
Transferred from page 19, line 20, Business Administration		
Professor and head of department (was line 20, page 19).....	2,400.00	2,400.00

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	August 31, 1940	August 31, 1941
Associate professor (was line 21, page 19)	1,800.00	1,800.00
Assistant professor (was line 22, page 19)	1,500.00	1,500.00
Transferred from page 19, line 38, History and Government		
Professor and head of department (was line 38, page 19).....	2,400.00	2,400.00
Associate professor (was line 39a, page 19).....	2,000.00	2,000.00
Associate professor (was line 39b, page 19).....	2,000.00	2,000.00
(Twelve months)		
Library		
52. Head librarian	2,700.00	2,700.00
53. Associate librarian	1,500.00	1,500.00
Administration		
54. Dean (with house, telephone, water, lights, fuel, and house and yard helper).....	5,000.00	5,000.00
55. Secretary to the dean	1,800.00	1,800.00
56. Registrar and professor of economics and dean of students (with telephone, house, water, heat, and lights).....	3,000.00	3,000.00
57a. Assistant registrar and secretary.....	900.00	900.00
57b. Assistant registrar and secretary.....	900.00	900.00
58. Dean of men, assistant registrar, and associate professor	2,400.00	2,400.00
59. Dean of women, associate professor, and (added) assistant registrar.....	2,400.00	2,400.00
60. Matron and assistant teacher (with room and board)	1,800.00	1,800.00
61. Business Manager	2,700.00	2,700.00
62. Assistant business manager	2,000.00	2,000.00
63. Bookkeeper and accountant	1,500.00	1,500.00
64. Cashier	1,500.00	1,500.00
65. Chief utilities operator	1,500.00	1,500.00
66. Assistant utilities operator	1,200.00	1,200.00
67. Mechanic—electrician	1,200.00	1,200.00
68. Superintendent of buildings and grounds, and head carpenter	1,500.00	1,500.00
69. Assistant superintendent of buildings and carpenter	1,500.00	1,500.00
70. Campus supervisor and caretaker.....	1,200.00	1,200.00
71. Night guards-discipline officers	3,000.00	3,000.00
72. Janitors and student janitors.....	3,960.00	3,960.00
73. Military property custodian	346.00	346.00
74. Student labor	700.00	700.00
Total Salaries	\$ 181,766.00	\$ 181,766.00
75. Summer School	6,122.00	6,122.00
Maintenance and Equipment		
76. Maintenance and equipment	15,480.00	15,480.00
Total Salaries, Summer School, Maintenance and Equipment....	\$ 203,368.00	\$ 203,368.00
Improvements, Repairs and Buildings		
77. Laboratory furniture and equipment.....	\$ 8,500.00
78. Improvements and general repair.....	4,000.00	3,000.00
79. Installation of boilers	12,000.00

	For the Years Ending	
	August 31, 1940	August 31, 1941
80. Land (50 acres adjoining college farm)...	4,500.00
Total Improvements, repairs and buildings	\$ 29,000.00	\$ 3,000.00
Grand Totals	\$ 232,368.00	\$ 206,368.00

Senator Hardin moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 8, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—6

Brownlee
Cotten
Hardin

Isbell
Lemens
Martin

Nays—16

Aikin
Beck
Burns
Collie
Graves
Head
Lanning
Metcalf
Nelson

Roberts
Shivers
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Winfield

Absent

Kelley
Moore
Pace

Small
Spears
Weinert

Absent—Excused

Hill
Moffett

Redditt

Question recurring on the amendment of Senator Head, it was adopted.

The bill then was passed to third reading.

Record of Votes

Senators Martin, Graves, and Hardin asked to be recorded as voting "nay" on all amendments to the bill adopted by viva voce votes.

Senators Beck and Aikin asked to be recorded as voting "nay" on all amendments adopted to the bill by viva voce vote except the amendment making appropriations to aid junior colleges.

Senator Collie asked to be recorded as voting "nay" on all amendments adopted to the bill by viva voce vote except the amendment by Senator

Stone of Galveston and the last amendment offered by Senator Head.

Senator Burns asked to be recorded as voting nay on all amendments to the bill adopted by viva voce vote except the first amendment offered by Senator Brownlee.

Senator Sulak asked to be recorded as voting "nay" on all amendments to the bill adopted by viva voce vote except the one which he offered.

Senator Stone, of Washington, asked to be recorded as voting "nay" on all amendments to the bill adopted by a viva voce vote except the one which he offered.

House Bill 255 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 255 be placed on its third reading and final passage.

Call of the Senate

The roll was called on the motion to suspend and developed the fact there was not a quorum present, and it was so announced.

Senator Collie moved a call of the Senate for purpose of securing and maintaining a quorum for the consideration of H. B. No. 255 on its third reading and final passage, and the call was duly seconded.

The Doorkeeper was instructed to close all doors leading from the Senate Chamber and to permit no member to leave the hall without written permission from the President, and the Sergeant-at-Arms was instructed to enforce the attendance of all absentees.

Senator Hardin appeared in the Senate Chamber, and was announced present.

A quorum was announced present.

Senator Hardin asked to be recorded as voting "nay" on the motion to

suspend the constitutional rule, and his vote was so recorded by the Secretary.

The motion to suspend the constitutional rule prevailed by the following vote:

Yeas—17

Brownlee	Roberts
Burns	Shivers
Graves	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Martin	Van Zandt
Metcalf	Winfield
Nelson	

Nays—4

Aikin	Collie
Beck	Hardin

Absent

Cotten	Small
Lemens	Spears
Moore	Weinert
Pace	

Absent—Excused

Hill	Redditt
Moffett	

The President then laid the bill (H. B. No. 255) before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Beck, Aikin, Sulak, Collie, Burns and Shivers asked to be recorded as voting nay on the passage of the bill.

Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 669, "An Act creating the Lower Colorado River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties; providing for its officers and amount and manner of compensating the same, and their duties and powers; providing for the issuance of bonds and the payment thereof; providing

for the sale of certain properties and the conditions of such sales; providing for accepting aid from and cooperating with the Federal Government, the State Government, and to cooperate and assist other Soil and Water Districts and Associations, organized for Soil and Water Conservation; and for an appropriation, and declaring an emergency."

House Concurrent Resolution 126

The President laid before the Senate:

H. C. R. No. 126, To correct enrolled copy of H. B. 954.

The resolution was read, and by unanimous consent, it was considered at this time, and was adopted.

House Concurrent Resolution 132

The President laid before the Senate:

H. C. R. No. 132, Recalling H. B. No. 533 from Governor's office.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Third Called Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in

Nueces County not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a period of twenty-five years, and to provide a penalty for their misapplication, by extending the provisions of said Act for a period of eight (8) years from September 1, 1946, and declaring an emergency."

The House has adopted the Conference Committee Report on S. B. No. 135 by a vote of 128 ayes and 11 nos.

H. B. No. 196, A bill to be entitled "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939; and declaring an emergency."

H. B. No. 850, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the requirements for adoption of such charter, and declaring an emergency."

H. B. No. 924, A bill to be entitled "An Act amending Section 5 of Chapter 27, page 37, Acts of the Regular Session of the Thirty-sixth Legislature; amending said Section 5 of Chapter 27, with reference to term of office of the Judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation of county auditors in certain counties, and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act providing that Commissioners' Courts in certain counties shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county, and declaring an emergency."

H. B. No. 994, A bill to be entitled "An Act validating and confirming all procedure in the organization and establishing of certain school district,

validating all acts and procedure of school boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

H. B. No. 1002, A bill to be entitled "An Act ratifying, validating and confirming the publication of every ordinance imposing any penalty, fine or forfeiture heretofore passed and approved by any incorporated city or town within the State; providing that this Act shall not affect pending litigation, and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act to ratify all acts and proceedings of the County Board of School Trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) and more than four hundred (400), according to the scholastic census at the time of the consolidation and ratifying and confirming all acts and proceedings of the Board in any way relating to such consolidation, and declaring an emergency."

H. B. No. 1007, A bill to be entitled "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1014, A bill to be entitled "An Act providing for a Rural School Music Supervisor in certain counties; prescribing the duties of said Supervisor; prescribing the method of employing the Supervisor; providing for removal of such Supervisor by the

County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

H. B. No. 1015, A bill to be entitled "An Act amending Section 4 of House Bill No. 899, Chapter 146, of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of School Trustees in Kyle Independent School District in Hays County; repealing all laws and parts of laws, General and Special, in conflict herewith, and declaring an emergency."

H. B. No. 1017, A bill to be entitled "An Act making it unlawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County. Repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, provided this Act shall not apply to other streams in Sabine County, and declaring an emergency."

H. B. No. 1018, A bill to be entitled "An Act regulating the use of boats upon the waters of Caddo Lake; prescribing who shall enforce the law; prescribing the penalty for violation of said law, and declaring an emergency."

H. B. No. 1020, A bill to be entitled "An Act providing amount of payment to the Executive Committee, in order to have name placed on ticket for Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 1022, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof, providing that this law shall be in force for a period of two (2) years; providing

various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1027, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature so as to add thereto a new Section known as 2350 (5), providing for actual and necessary traveling expenses for Commissioners in the conduct of office in certain counties, and providing for source of payment of such expenses and approval thereof, and declaring an emergency."

H. B. No. 1028, A bill to be entitled "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population, and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water improvement districts or navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

H. B. No. 1036, A bill to be entitled "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants, according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven, eight hundred (27,800) inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1041, A bill to be entitled "An Act providing for Twenty-five (\$25.00) Dollars expenses for County

Commissioners in certain counties in this State; providing mode and manner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

H. B. No. 1042, A bill to be entitled "An Act providing for compensation for county auditor in certain counties; providing mode and manner of payment of such salary; making said Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

H. B. No. 1047, A bill to be entitled "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. E. Gorham for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about December 7, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act providing for rural school supervisor in certain counties; providing for salary for such supervisor; providing traveling and other expenses for such supervisor; making said Act cumulative of all other laws

and parts of laws regarding public education; prescribing duties of such supervisor, and declaring an emergency."

H. C. R. No. 132, Requesting the Governor to return H. B. No. 533 to the House of Representatives for further consideration.

H. B. No. 1051, A bill to be entitled "An Act granting permission to W. V. Guthrie, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except its failure to have compensation insurance and the Statute of Limitations, and declaring an emergency."

H. B. No. 1053, A bill to be entitled "An Act redefining and reestablishing the Union Grove Common School District in Upshur County, Texas, redefining its boundaries, providing that all bonds heretofore voted in said District shall remain in full force and effect against the territory of said District which voted same, providing for the assumption of said bonds by said District, providing for the payment of its proportion of the bonded indebtedness according to the valua-

tion and assessment of the Glade-water Independent School District, providing a saving clause, and repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 1054, A bill to be entitled "An Act providing for the payment of the traveling expenses of the Court Reporter of the 110th Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties, and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold in counties with a population of not less than eight thousand, one hundred seventy-eight (8,178) and not more than eight thousand, two hundred seventy-eight (8,278) people, according to the last preceeding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon highways which have, before the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bills on First Reading

The following bills and resolutions received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. C. R. No. 130, to Committee on Judicial Districts.

H. C. R. No. 124, to Committee on Judicial Districts.

H. B. No. 52, to Committee on State Affairs.

H. B. No. 1028, to Committee on Education.

H. B. No. 196, to Committee on State Affairs.

H. B. No. 850, to Committee on Civil Jurisprudence.

H. B. No. 924, to Committee on Civil Jurisprudence.

H. B. No. 973, to Committee on Counties and County Boundaries.

H. B. No. 980, to Committee on Counties and County Boundaries.

H. B. No. 994, to Committee on Counties and County Boundaries.

H. B. No. 1002, to Committee on Counties and County Boundaries.

H. B. No. 1006, to Committee on Education.

H. B. No. 1007, to Committee on Privileges and Elections.

H. B. No. 1014, to Committee on Counties and County Boundaries.

H. B. No. 1015, to Committee on Education.

H. B. No. 1017, to Committee on Game and Fish.

H. B. No. 1018, to Committee on Game and Fish.

H. B. No. 1020, to Committee on Privileges and Elections.

H. B. No. 1022, to Committee on Game and Fish.

H. B. No. 1053, to Committee on Education.

H. B. No. 1023, to Committee on Game and Fish.

H. B. No. 1027, to Committee on Counties and County Boundaries.

H. B. No. 1032, to Committee on State Affairs.

H. B. No. 1036, to Committee on Counties and County Boundaries.

H. B. No. 1041, to Committee on Counties and County Boundaries.

H. B. No. 1049, to Committee on Counties and County Boundaries.

H. B. No. 1051, to Committee on State Affairs.

H. B. No. 1047, to Committee on State Affairs.

H. B. No. 1042, to Committee on Counties and County Boundaries.

H. B. No. 1054, to Committee on Civil Jurisprudence.

H. B. No. 543, to Committee on State Affairs.

Reports of Standing Committees

By unanimous consent, the following reports were submitted by Senator

Aikin, chairman of the Committee on Education:

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 967, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than six thousand, two hundred (6,200) and not more than six thousand, two hundred and twenty-five (6,225) whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special; providing for the holding of elections authorizing tax levy; and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 697, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than fifty-three thousand, nine hundred and thirty (53,930) and not more than fifty-three thousand, nine hundred and forty (53,940), according to the last preceding United States Census; and providing for their compensation; providing the fund from which same shall be paid; prescribing the nature of certain of said meetings; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education to whom was referred

H. B. No. 1028, by Harrell of Bastrop, A bill to be entitled "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1053, A bill to be entitled "An Act redefining and reestablishing the Union Grove Common School District in Upshur County, Texas; redefining its boundaries; providing that all bonds heretofore voted in said District shall remain in full force and effect against the territory of said District which voted same; providing for the assumption of said bonds by said District; providing for the payment of its proportion of the bonded indebtedness according to the valuation and assessment of the Gladewater Independent School District; providing a saving clause; and repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency,"

Have had the same under consideration, and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Adjournment

On motion of Senator Roberts, the Senate, at 4:55 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, May 8, 1939.

APPENDIX

Reports of Committees on Engrossed
and Enrolled Bills

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 422
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 203
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had Senate Bills
Nos. 317, 398, 432 and 442 carefully
examined, compared and read, and
find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 439
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 438
carefully examined, compared and

read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 299
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 452
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No.
43, carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

SIXTY-FOURTH DAY

(Monday, May 8, 1939)

The Senate met at 10:00 o'clock
a. m., pursuant to adjournment, and
was called to order by President
Stevenson.

The roll was called, and the fol-
lowing Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Roberts